

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 05-232)

In the Application of:)	
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Christelle Marie Guittet et al.)	Examiner: Jason M. Sims
)	
Serial No. 10/529,509)	
)	Group Art Unit: 6176
Filed: March 28, 2005)	
)	Conf. No. 6176
Title: Automated Histological Grading of Tubules)	

Commissioner for Patents
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Sir:

REPLY TO THE JANUARY 9, 2008 RESTRICTION REQUIREMENT

On January 9, 2006, the examiner issued a requirement that the Applicant restrict the claims of the above-identified application to one of two inventions for examination purposes. Moreover, the examiner required the applicant to elect a single species from groups of two different species for examination purposes.

I. THE TRAVERSE

The examiner requires restriction of the claims of the above identified invention to either species A – independent claims 1, 7 and 13 or species B – independent claims 6, 12 and 18.

The above-identified application is a PCT national phase application. Therefore, any restriction requirement for this application must be based upon a unity of invention claim analysis. The Applicant cites, for example claims 1 and 6 which generally share the following common special technical features:

- a) providing a second image of first objects in the first image which are sufficiently large and of appropriate pixel value characteristics at boundaries to potentially be tubules,
- b) providing a third image of second objects in the first image having pixel value characteristics of fat and holes within tubules,

- c) combining data from the second and third images to identify selected second objects which are within first objects,
- d) performing one or more of the following:
 - i) counting first objects in the first image which may potentially be tubules to provide a parameter *NOB*,
 - ii) counting the first objects having selected second objects within them and likely to be tubules to provide a parameter *N*,
 - iii) determining the relative areas of selected second objects as proportions of respective first objects within which they are located to provide parameters *RATIO*,
 - iv) determining the total area of selected second objects as a proportion of total area of first objects within which they are located to provide a parameter *SURF*,
- e) grading the first image's tubules on the basis of the one or more parameters as aforesaid with reference to parameter threshold values.

Under a proper unity of invention standard, it is clear that all of the claims share common special technical features and must be examined together.

II. PROVISIONAL ELECTION

The Applicant provisionally elects to proceed with the examination of independent claims 1, 7 and 13 and their accompanying dependent claims.

Respectfully submitted,

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